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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,593	09/21/2001	Paul R. Coronado	IL-10797	5461

7590 01/15/2004  
Alan H. Thompson  
Assistant Laboratory Counsel  
Lawrence Livermore National Laboratory  
P.O. Box 808, L-703  
Livermore, CA 94551

EXAMINER

CINTINS, IVARS C

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 01/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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20040109

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Art Unit: 1724

The communication filed on October 14, 2003 is not deemed to be fully responsive to the Office action dated June 6, 2003 because this communication fails to comply with a requirement contained in said Office action. The Office action dated June 6, 2003 contains a statement that claims 1-10 and 16-21 are directed to an invention which is not patentably distinct from claims 1-4, 6, 7, 9, 10, 13 and 15 of commonly assigned application Serial No. 09/957,854 (see page 4, second paragraph). This Office action further contains a requirement, under 37 CFR 1.78(c), for the assignee to either show that the conflicting inventions were commonly owned at the time the invention in this application was made or to name the prior inventor of the conflicting subject matter (see page 4, third paragraph). The communication filed on October 14, 2003 does neither, and therefore this communication does not comply with the requirements of 37 CFR 1.78(c).

The communication filed on October 14, 2003 is also not deemed to be fully responsive to the Office Action dated June 6, 2003 because this communication fails to comply with the requirements of 37 CFR 1.111(b). 37 CFR 1.111(b) states:

In order to be entitled to reconsideration or further examination, the applicant or patent owner must reply to the Office action. The reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner's action and must reply to every ground of objection and rejection in the prior Office action. The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. If the reply is with respect to an application, a request may be made that objections or requirements as to form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated. The applicant's or patent owner's reply must appear throughout to be a *bona fide* attempt to advance the application or the reexamination proceeding to final action. A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section.

The Office Action dated June 6, 2003 contains: (1) a rejection of claims 1 and 16 under 35 U.S.C. 102(b) as being clearly anticipated by Renner; (2) a rejection of claims 11-15 under 35

U.S.C. 102(b) as being anticipated by Brinker et al.; and (3) a rejection of claims 2 and 17 under 35 U.S.C. 103(a) as being unpatentable over Renner in view of Baker.

The communication filed October 14, 2003 cancels claims 1-21, adds claims 22-32, and merely states that these new claims "are patentable over the cited references and are in condition for allowance," without giving any specific reasons therefore. Accordingly, this communication fails to "present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references," as required by 37 CFR 1.111(b) for reconsideration or further examination. Applicant should note that a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of 37 CFR 1.111(b).

Since the above noted communication appears to be *bona fide*, Applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment of the application. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Applicant is advised that the terminal disclaimer filed October 14, 2003 has been approved.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (571) 272-1155. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If

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attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Blaine Copenheaver, can be reached at (571) 272-1156.

The centralized facsimile number for the USPTO is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-0987.



**Ivars C. Cintins**  
**Primary Examiner**  
**Art Unit 1724**

I. Cintins  
January 9, 2004